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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES PORTER, BRYAN PEREZ, and
DRO ESRAEILI ESTEPANIAN, DENNIS
ROMANEZ, ARTEM KUPRIIETS, NEIL
KREUZER, WAFAY NADIR, and
KENNETH BROWN, on behalf of themselves
and all others similarly situated,

Plaintiffs,

v.

TESLA, INC.,

Defendant.

AND RELATED CASE

SAMUEL VAN DIEST and SERGEY
KHALIKULOV, on behalf of themselves and
all others similarly situated,

Plaintiffs,

v.

TESLA, INC. dba TESLA MOTORS,

Defendant.

Case No. 4:23-cv-03878-YGR

AND

Case No. 4:23-cv-03902-YGR

**DECLARATION OF MINU SINHA IN
SUPPORT OF DEFENDANT TESLA,
INC.'S MOTION TO COMPEL
ARBITRATION AND TO DISMISS
CLASS ACTION COMPLAINTS**

Judge: Hon. Yvonne Gonzalez Rogers
Ctm: 1, 4th Flr – Oakland Courthouse

DECLARATION OF MINU SINHA

I, Minu Sinha, hereby declare pursuant to 28 U.S.C. § 1746:

1. I am over eighteen years of age. I am aware of the following based on my own personal knowledge and my review of relevant documents.

2. I am a Senior Manager of Software Engineering at Tesla, Inc. (“Tesla”), where I have been employed for more than seven years. My job responsibilities consist of software development and implementation, including with respect to Tesla’s website. Except as otherwise noted, I have personal knowledge of the following facts and if called to testify could and would testify competently thereto.

3. Tesla designs, manufactures, sells, and services a suite of high-performance, all-electric vehicles, including Tesla’s Model Y and Model 3 vehicles. Tesla customers who want to buy or lease a new or used vehicle from Tesla can start that process by placing an order online through either the desktop or mobile version of Tesla’s website. Regardless of how a customer accesses the online ordering process, the Order Payment screen is displayed to complete the order.

4. The Order Payment screen includes a button labeled “Place Order” (which at times in the past was labeled “Order”) that customers must click to complete the purchase. For Model Y and Model 3 orders placed since 2019, the “Order”/“Place Order” button has always been accompanied by language stating, “By placing this order, I agree to the Model [Y or 3] Order Agreement, Terms of Use, and Privacy Notice,” or some slight variation of this language. At all relevant times, the text “Model [Y or 3] Order Agreement” has been a direct hyperlink to an online copy of the referenced agreement, as indicated by bolded, colored and/or underlined text, which gave customers the opportunity to review the agreement before clicking the “Order”/“Place Order” button. This is true whether a customer placed their online order via mobile or desktop.

5. Tesla maintains, as part of its business, certain historical website information, including certain screenshots and linked documents associated with the Order Payment screen at different points of time.

1 6. I reviewed the Order Agreements between Tesla and James Porter (“Porter”),
 2 Bryan Perez (“Perez”), Dro Esraeili Estepanian (“Estepanian”), Dennis Romanez (“Romanez”),
 3 Artem Kupriets (“Kupriets”), Neil Kreuzer (“Kreuzer”), Wafay Nadir (“Nadir”), Kenneth
 4 Brown (“Brown”) Samuel Van Diest (“Van Diest”), and Sergey Khalikulov (“Khalikulov”)
 5 (collectively, “Plaintiffs”) to confirm their order placement dates as set forth below.

6 7. I further obtained from Tesla’s internal records examples of the Order Payment
 7 screens for both the mobile and desktop version of Tesla’s website that were in use at the time
 8 that Plaintiffs placed their orders. While Tesla’s records do not specify whether an online order
 9 was placed through the mobile or desktop version of Tesla’s website, placing an online order at
 10 all relevant times, including when Plaintiffs did so, necessarily required them to click on either
 11 the desktop or mobile version of the Order Payment screens referenced below. In addition, the
 12 text displayed in the desktop version was and continues to be substantially identical to the mobile
 13 version; the two versions differ only slightly in the format.

14 8. An example of Tesla’s Order Payment screen for desktop users placing an order
 15 for the Tesla Model Y vehicle is attached hereto as **Exhibit 1**. This screenshot is substantially
 16 identical to what Porter would have seen when placing his order on March 6, 2022; what
 17 Romanez would have seen when placing his order on December 9, 2020; what Kupriets would
 18 have seen when placing his order on Feb. 11, 2023; and what Nadir would have seen when
 19 placing his order on April 9, 2021.

20 9. An example of Tesla’s Order Payment screen for desktop users placing an order
 21 for the Tesla Model 3 vehicle is attached as **Exhibit 2**. This screenshot is substantially identical
 22 to what Perez would have seen when placing his order on January 22, 2022; what Estepanian
 23 would have seen when placing his order on March 18, 2022; would Kreuzer would have seen
 24 when placing his orders on December 3, 2021, March 20, 2022, April 8, 2022; what Brown would
 25 have seen when placing his order on May 5, 2023; what Van Diest would have seen when placing
 26 his order on May 5, 2021; and what Khalikulov would have seen when placing his order on
 27 December 14, 2022
 28

1 I declare under penalty of perjury that the foregoing is true and correct. Executed this 22nd
2 day of November 2023, in Fremont, California.

3 
4 minu sinha (Nov 22, 2023 09:25 PST)

Minu Sinha

EXHIBIT 1

TESLA



Name on Card

US

Card Number

Expiration Month

01



Expiration Year

2021



CVV

Billing Zip Code

Due Today

\$250

Non-refundable Order Fee

By placing this order, I agree to the [Model Y Order Agreement](#), [Terms of Use](#), and [Privacy Notice](#).

PLACE ORDER



\$63,990 Purchase price

\$58,940 After potential savings

EXHIBIT 2


VIEW

A/B

Baseline | 58/61 Payment Page - CREDITCARD Part 3
Linux | Chrome 90.0 | 1440x900 | Desktop

TESLA

US



Card Number

Expiration Month

01

Expiration Year

2021

CVV

Billing Zip Code

Due Today

\$100

Non-refundable Order Fee

By placing this order, I agree to the [Model 3 Order Agreement](#), [Terms of Use](#), and [Privacy Notice](#). [View additional information](#)

PLACE ORDER

\$55,490 Purchase price

\$51,190 After potential savings